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UNITED STATES DISTRICT COURT

District of MONTANA

UNITED STATES OF AMERICA

V.

Shane C. Twigg

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: CR-08-79-GF-RKS

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____.
- ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- ✓ (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.
- Defendant was convicted of Burglary under 18U.S.C. §1153 and was sentenced to a period of 21 months with 3 years supervised release.
- On June 7, 2007 United States Probation Officer Michael Eliason lodged a Petition for Warrant for Offender Under Supervision charging
- Defendant with having violated multiple conditions of his supervised release.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by ✓ clear and convincing evidence ✓ a preponderance of the evidence that

Defendant poses a risk of non-appearance. The Court finds that based on the evidence presented in the Petition and at the detention hearing

there is cause to believe Defendant violated the conditions of his release. Defendant has admitted consuming alcohol in violation of the terms

of his release. The Petition also reflects that Defendant has criminal record involving resisting a federal officer. The nature of the charged

violations and prior convictions convinces the Court that no conditions could be fashioned which would result in Defendant's compliance

and would reasonably ensure his appearance before the court in the District of Alaska. Detention for the purposes of transfer is hereby ordered.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

June 24, 2008

Date

/s/ Keith Strong

Signature of Judicial Officer

Keith Strong, United States Magistrate Judge

Name and Title of Judicial Officer